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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kleider et al.	)
		)
For:	Method of Multiple Carrier Communication within a Non-Contiguous Wideband Spectrum and Apparatus Therefor	)
		)
Serial No.:	09/690,993	)
		)
Filed:	October 17, 2000	)
		)
Examiner:	Wang, T.	)
		)
Art Unit:	2611	)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

APPELLANTS' REPLY BRIEF

This reply brief is in furtherance of the Examiner's Answer, mailed on January 22, 2008. The reply brief includes the applicant's response to the Examiner's most recent issues raised in the previously noted Examiner's Answer, which includes an amended Grounds of Rejection section, beginning at the top of page 3, and a Response to Argument section, beginning at the bottom of page 5 of the Examiner's Answer. More specifically, the Examiner's amended Grounds of Rejection includes additional citation to language found in the cited reference at column 19, lines 1-15 and lines 22-38, and column 22, lines 41-63, supplementing the Examiner's previous grounds for rejection. In the additional relied upon sections, the reference continues to refer to a burst-mode multidrop environment, which contrary to the Examiner's assertions does not produce the effect of multiple user channels which are concurrently

supported, and multi-cast type transmissions, where the same data is promulgated to multiple users.

One skilled in the art would hardly characterize this as the same as multiple user channels, where channelization is generally understood to mean:

"The process of subdividing the bandwidth of a circuit into smaller increments called channels. Typically, each channel carries an individual transmission, e.g. a voice conversation or a data conversation – a computer-to-computer session." Newton's Telecom Dictionary 20th Edition (March 2004).

One of the problems with the Examiner's rejection involves the contextual consistency of the Examiner's argument, where the Examiner is relying upon the teachings from a supplemental reference to supplement or modify teachings from a primary reference. Here the Examiner is attempting to isolate an alleged showing of concurrently supported multiple user channels, but in so doing ignores the context in which the concurrently supported multiple user channels are formed. The context involves an Orthogonal Frequency Division Multiplexing (OFDM) environment involving a plurality of subchannels in a non-contiguous wideband channel.

In Yamano, to the extent that the Examiner refers to a multi-drop example, the reference expressly teaches a single channel, which is shared in a non-concurrent fashion. "In multi-drop operation, multiple modems connected are connected to the same communication channel using time-division multiplexing." (emphasis added) Yamano et al., '731, col. 19, lines 3-5. The use of the term same channel refers to a single channel (not multiple channels), and the fact that the channel is shared in a time-division multiplexing fashion implies that the channels are not concurrently supported. Consequently, the applicants' continue to believe the portions of the cited reference associated with a multi-drop environment is misapplied in making known or obvious the alleged associated element in a context consistent with the claims.

To the extent that the Examiner has additionally significantly referred to a multi-cast environment similarly appears to be greatly misapplied. Multi-cast typically involves a single common transmission, which is broadcast to multiple recipients. However, a broadcast via one or more connections to more than one user is not the same as more than one user channels. To the extent that the Examiner refers to more than one telephone lines in a separate portion of the

relied upon reference (i.e. col. 22, lines 42-44; FIG. 10), the multiple telephone lines 501-505 only serves to highlight a context which is inconsistent with either the claims or the teachings of the primary reference, as the multiple telephone lines no longer relate to the transmission of OFDM data over the plurality of subchannels within a noncontiguous wideband channel. Each telephone line relates to a separate physical connection within which signals can separately propogate, and therefore contextually is inconsistent with the claims or the claimed OFDM environmental context. The contextual inconsistencies of the alleged relied upon teachings of Yamano et al., '731, are further highlighted when one takes into consideration claim 13, which involves each of the user channels comprising at least one of the subchannels.

As such, the Examiner has failed to show a combination of teachings that can be reasonably combined in a contextually consistent manner to make known or obvious each and every feature of the claims in association with a reasonably consistent claimed context as provided by independent claim 12, and correspondingly dependent claim 13 of the present application.

In view of the above noted reasoning, the applicants would respectfully request that the Examiner's decision to finally reject pending claims 12 and 13 be overturned.

Respectfully submitted,

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